

AGENDA ITEM FOR CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING
TO BE HELD January 16, 2009

(Submitted by Paul Farris, Division of Engineering, Real Estate Branch)

EMERGENCY EROSION SITES PROJECT, CACHE CREEK, RIVER MILES 3.9L AND
4.2L

Consider approval of Resolution of Necessity No. 08-24 to acquire from Margrit Boyd,
an unmarried woman, 0.06 acre of Permanent Levee and Flood Control Easement.

Memorandum

Date: **DEC 10 2008**

To: Ben Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room LL40
Sacramento, California 95821

From: Department of Water Resources

Subject: Proposed Resolution of Necessity

The Board's Staff requests that one parcel of real property, designated as Parcel No. 13672 be obtained by eminent domain proceedings. The parcel is owned by Klein Farms, Incorporated, A California Corporation. The proposed Resolution of Necessity with description of the parcel is attached. Also attached is a drawing of the parcel showing the location of the property. The following is submitted in support of the findings of necessity referred to in Sections 1240.030 and 1245.230 of the Code of Civil Procedure for the acquisition of said parcel.

The land is necessary as part of the Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L. This project requires acquisition of **2.72 acres of permanent levee and flood control easement and utility easement** over the subject property. This is a cooperative project involving The Central Valley Flood Protection Board (Board) and the U.S. Army Corps of Engineers (Corps).

Set-back Levee construction work is to be performed at this site, designated as Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L. By cooperative agreement with The Central Valley Flood Protection Board (Board), is responsible for acquisition of all lands, easements and rights of way for Project purposes. Under state law the Board acquires property under the name of the Sacramento and San Joaquin Drainage District.

The landowner has been unwilling to accept the Board's offer to purchase an easement which is the subject of this requested Resolution of Necessity.

A current information sheet noting the status of negotiations with the property owner affected by the proposed Resolution of Necessity is attached.

Ben Carter

DEC 10 2008
Page 2

I recommend proceeding with acquisition of the above parcel by eminent domain so that the Board may assure the Corps that all lands, easements, and rights of way for project purposes have been acquired.

If you have any questions regarding this matter, please contact Paul Farris, Chief, Real Estate Branch at (916) 653-5815.



for Jay Punia
Executive Officer

Attachments

Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L
YOLO COUNTY

Resolutions of Necessity for the January 16, 2009 Central Valley Flood Protection Board meeting.

<u>R.O.N. NO.</u>	<u>Landowner</u>	<u>Parcel No.</u>
08-25	Klein Farms, Incorporated, A California Corporation	13672 (APN 027-160-05-1)

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 08-25

RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY OR
INTEREST IN REAL PROPERTY BY EMINENT DOMAIN

Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L

WHEREAS, the hereinafter described property, located in the County of Yolo, is required as part of the Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L; and

WHEREAS, the Central Valley Flood Protection Board acting in the name of San Joaquin and Sacramento Drainage District, has attempted, but has been unable to negotiate the acquisition of the property at the appraised value; and

WHEREAS, said property is to be acquired by eminent domain pursuant to Water Code, Sections 8590, et seq., and Code of Civil Procedure, Sections 1230.010, et seq.

NOW, THEREFORE, BE IT RESOLVED that The Central Valley Flood Protection Board, acting in the name of the Sacramento and San Joaquin Drainage District, after notice and hearing pursuant to Code of Civil Procedure Section 1245.235, finds and determines and hereby declares that:

- (1) The public interest and necessity require the proposed project;
- (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (3) The property described in the Resolution is necessary for the proposed project;
- (4) The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record; and

BE IT FURTHER RESOLVED, the People of the State of California, acting by and through the Central Valley Flood Protection Board, in the name of the Sacramento and San Joaquin Drainage District, are hereby authorized and empowered to acquire through the power of eminent domain, **2.72 acres of permanent levee and flood control easement and utility easement**, as required for project purposes. Said property is situated in the County of Yolo, State of California. A description of the property and the rights to be acquired are attached as Exhibits A and B to this Resolution.

The foregoing Resolution was adopted by The Central Valley Flood Protection Board,
State of California at Sacramento, California, on January 16, 2009.

Ben Carter, President

Date: _____

Maureen Doherty, Secretary

Date: _____

Approved as to Legal Form
and Sufficiency

Nancy Finch, Counsel for The Central
Valley Flood Protection Board

Date: _____

AGENDA ITEM FOR CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING
TO BE HELD January 16, 2009
(Submitted by Paul Farris, Division of Engineering, Real Estate Branch)

EMERGENCY EROSION SITES PROJECT, CACHE CREEK, RIVER MILES 3.9L
AND 4.2L

Consider approval of Resolution of Necessity No. 08-25 to acquire from Klein Farms, Incorporated, A California Corporation, 2.72 acres of Permanent Levee and Flood Control Easement and utility easement.

Memorandum

Date: **DEC 10 2008**

To: Ben Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room LL40
Sacramento, California 95821

From: Department of Water Resources

Subject: Proposed Resolution of Necessity

The Board's Staff requests that one parcel of real property, designated as Parcel No. 13673 be obtained by eminent domain proceedings. The parcel is owned by John C. Klein and Catherine L. Klein, husband and wife as tenants in common. The proposed Resolution of Necessity with description of the parcel is attached. Also attached is a drawing of the parcel showing the location of the property. The following is submitted in support of the findings of necessity referred to in Sections 1240.030 and 1245.230 of the Code of Civil Procedure for the acquisition of said parcel.

The land is necessary as part of the Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L. This project requires acquisition of **0.78 acres of permanent levee and flood control easement and utility easement** over the subject property. This is a cooperative project involving The Central Valley Flood Protection Board (Board) and the U.S. Army Corps of Engineers (Corps).

Set-back Levee construction work is to be performed at this site, designated as Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L. By cooperative agreement with The Central Valley Flood Protection Board (Board), is responsible for acquisition of all lands, easements and rights of way for Project purposes. Under state law the Board acquires property under the name of the Sacramento and San Joaquin Drainage District.

The landowner has been unwilling to accept the Board's offer to purchase an easement which is the subject of this requested Resolution of Necessity.


A current information sheet noting the status of negotiations with the property owner affected by the proposed Resolution of Necessity is attached.

Ben Carter

DEC 10 2008
Page 2

I recommend proceeding with acquisition of the above parcel by eminent domain so that the Board may assure the Corps that all lands, easements, and rights of way for project purposes have been acquired.

If you have any questions regarding this matter, please contact Paul Farris, Chief, Real Estate Branch at (916) 653-5815.

for 
Jay Punia
Executive Officer

Attachments

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 08-26

RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY OR
INTEREST IN REAL PROPERTY BY EMINENT DOMAIN

Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L

WHEREAS, the hereinafter described property, located in the County of Yolo, is required as part of the Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L; and

WHEREAS, the Central Valley Flood Protection Board acting in the name of San Joaquin and Sacramento Drainage District, has attempted, but has been unable to negotiate the acquisition of the property at the appraised value; and

WHEREAS, said property is to be acquired by eminent domain pursuant to Water Code, Sections 8590, et seq., and Code of Civil Procedure, Sections 1230.010, et seq.

NOW, THEREFORE, BE IT RESOLVED that The Central Valley Flood Protection Board, acting in the name of the Sacramento and San Joaquin Drainage District, after notice and hearing pursuant to Code of Civil Procedure Section 1245.235, finds and determines and hereby declares that:

- (1) The public interest and necessity require the proposed project;
- (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (3) The property described in the Resolution is necessary for the proposed project;
- (4) The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record; and

BE IT FURTHER RESOLVED, the People of the State of California, acting by and through The Central Valley Flood Protection Board, in the name of the Sacramento and San Joaquin Drainage District, are hereby authorized and empowered to acquire through the power of eminent domain, **0.78 acres of permanent levee and flood control easement and utility easement**, as required for project purposes. Said property is situated in the County of Yolo, State of California. A description of the property and the rights to be acquired are attached as Exhibits A and B to this Resolution.

The foregoing Resolution was adopted by The Central Valley Flood Protection Board,
State of California at Sacramento, California, on January 16, 2009.

Ben Carter, President

Date: _____

Maureen Doherty, Secretary

Date: _____

Approved as to Legal Form
and Sufficiency

Nancy Finch, Counsel for The Central
Valley Flood Protection Board

Date: _____

AGENDA ITEM FOR CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING
TO BE HELD January 16, 2009
(Submitted by Paul Farris, Division of Engineering, Real Estate Branch)

EMERGENCY EROSION SITES PROJECT, CACHE CREEK, RIVER MILES 3.9L
AND 4.2L

Consider approval of Resolution of Necessity No. 08-26 to acquire from John C. Klein and Catherine L. Klein, husband and wife as tenants in common, 0.78 acres of Permanent Levee and Flood Control Easement and utility easement.

Emergency Erosion Sites Project, Cache Creek, River Miles 3.9L and 4.2L
YOLO COUNTY

Resolutions of Necessity for the January 16, 2009 Central Valley Flood Protection Board meeting.

<u>R.O.N. NO.</u>	<u>Landowner</u>	<u>Parcel No.</u>
08-26	John C. Klein and Catherine L. Klein, husband and wife as tenants in common	13673 (APN 027-160-06-1)